IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

WP(C).No. 18371 of 2007(K)

PETITIONER:

SRI.SOBHICHEN ABRAHAM,
(GENERAL CONVENER,)ACTION COUNCIL,400 KV
POWER HIGHWAY,MADKKATHRA,
ERVILULANGARA HOUSE,DEVAGIRI P.O.,KANGAZHA,
KOTTAYAM DIST.

BY ADV. SRI.J.JULIAN XAVIER
SRI.FIROZ K.ROBIN

RESPONDENTS: RESPONDENTS
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1. **STATE OF KERALA REP.BY ITS PRINCIPAL SECRETARY,POWER (C) DEPARTMENT, THIRUVANANTHAPRUAM.**

2. **POWER GRID CORPORATION OF INDIA LTD., (A GOVERNMENT OF INDIA ENTERPRISES), CORPORATE OFFICE,SAUDHAMANI PLOT NO.2 SECTOR 29, GURGAON,HARIYANA.**

3. **KERALA STATE ELECTRICITY BOARD,REP.BY ITS SECRETARY,VYDUTHI BHAVAN,PATTOM, THIRUVANANTHAPRUAM.**

BY ADV. SRI.C.K.KARUNAKARAN, SC FOR KSEB
SRI.MILLU DANDAPANI
SRI.P.P.THAJUDEEN, SC, K.S.E.B
BY GOVERNMENT PLEADER SRI.P.N.SANTHOSH (SR) - R1

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/10/2007, ALONG WITH WPC NO. 22864 OF 2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP.(C) NO.18371/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE SKETCH PROPOSED KODANKULAM THRISSUR 400 KV EXTRA HIGH TENSION LINE THAT APPEARED IN MANGALAM DAILY DT.30.4.2006.

EXT.P2:- COPY OF THE ALTERNATE SUGGESTIONS PREPARED BY THE RETIRED CHIEF ENGINEER, SRI.C.P. THOMAS.

EXT.P3:- COPY OF THE PAPER REPORT THAT APPEARD ON 8.12.06.

EXT.P4:- COPY OF THE SKETCH.

EXT.P5:- COPY OF THE LETTER DT. 12.10.06 ISSUED BY THE IST RESPONDENT TO THE PETITIONER.

EXT.P6:- COPY OF THE MINUTES DT. 19.9.06.

EXT.P7:- COPY OF THE LETTER DT. 4.12.06 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

EXT.P8:- COPY OF THE TENDER NOTIFICATION DT. 30.5.07.

EXT.P9:- COPY OF THE SKETCH IN BETWEEN THE LINES FROM EDAMMON TO COCHIN.

RESPONDENTS EXHIBITS

EXT.R2(1):- COPY OF THE SKETCH SHOWING EVCUATION SYSTEM OF POWER FROM KUDANKULAM ATOMIC POWER PLANT (APP).

EXT.P2(2):- COPY OF THE STATUS OF PROCUREMENT OF PACKAGES ASSOCIATED WITH KUDANKULAM TRANSMISSION SYSTEM.

EXT.R2(3):- COPY OF THE STATUS OF PTCC FOR TRANSMISSION LINES ASSOCIATED WITH KUDANKULAM TRANSMISSION SYSTEM.

EXT.R3(a):- COPY OF THE LETTER OF STATUS OF RAILWAY CROSSING LOCATIONS OF TRANSMISSION LINES ASSOCIATED WITH KUDANKULAM TRANSMISSION SYSTEM.

/TRUE COPY/

P.A. TO JUDGE

tss

THOTTATHIL B.RADHAKRISHNAN,J

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W.P.(C).Nos.18371 & 22864 of 2007

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Dated this the 24th day of October, 2007

JUDGMENT

Read the interim order dated 26th July, 2007.

2. It is the admitted fact that discussions were held following the aforesaid order. Report No.1035/C2/2005/PD is placed on record following the discussions on 20.08.2007. Different persons who participated in the discussion are enumerated in that report. Proposals which were required to be considered in terms of the order dated 26th July, 2007 were specifically considered. The pages 6 and 7 of the report given vivid reasons for the conclusions of the committee in so far as the recommendations of Sri. C.P.Thomas, retired Chief Engineer are concerned.

3. The unanimous conclusions of the experts who participated from the side of the Government, the Electricity Board, the Power Grid Corporation etc. are that there cannot be any major deviation on the alignment and any local issues

relating to obstructions ought to be considered in terms of this statutory provisions. Reasons are stated in the report, as to why certain deviations as suggested, could never be considered.

4. Petitioners do not throw any plea of incompetence, malice or malafidies on the experts deliberated in the decision making process impugned in these writ petitions. No such allegation is made against those who participated in the deliberations following the earlier order of this Court, issued on 26th July, 2007.

5. The court is not to substitute its view in the matter. The views of the experts would have to govern unless it is shown that those views are palpably perverse and so unreasonable and shocking to commonsense and that the expert opinion is held out as a camouflage to obtain results out of colourful exercise of administrative power. I find no shred of material to hold against the executive decisions including the action of the expert bodies.

6. Petitioners do not have a case that they are aggrieved by any decision regarding the manner of allocation of power. It

is also not their case that the alignment has been done in such a way that it would benefit the people who are not required to be benefited or that it would deprive benefits of any persons who are benefited otherwise. All that the petitioners contend is that the alignment could be placed in a different manner so that trees need not be felled from their private lands. These are matters which ought to be considered by any Government for the purpose of concluding on the alignment of electricity lines of which may have an impact on the user of the property. When the expert body has concluded that no change in the alignment is required, on consideration of the issue following the order of this Court, it would be against the public interest to hold back further action in relation to the project.

For the aforesaid reason, I do not find any ground to grant any further relief in these writ petitions. Accordingly these writ petitions fail and hence dismissed.

THOTTATHIL B.RADHAKRISHNAN, JUDGE

dvs